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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,501	09/30/2003	Ronald Vaiden Carpenter	MAXTEL 1	6048

31704 7590 03/07/2006

JOHN H. THOMAS, P.C.  
536 GRANITE AVENUE  
RICHMOND, VA 23226

EXAMINER
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LA, NICHOLAS T

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/675,501	Applicant(s) CARPENTER ET AL.	
	Examiner Nicholas T. La	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5, 7-9** are rejected under 35 U.S.C. 102(e) as being unpatentable by Marsh et al. (US Patent 6,574,465).

Regarding **claim 1**, Marsh et al. discloses a method for managing telecommunication bills for a subscriber, the method comprising the steps of:

conducting an analysis of a subscriber's telecommunication usage requirements (col. 2, line 5 to 22);

creating a baseline report to correspond to the subscriber's requirements (col. 2, line 5 to 22, the baseline report comprising creating a usage history table and a call detail table from the actual monthly bills);

selecting a telecommunication carrier plan to conform to the baseline report (col. 15, line 55 to col. 16, line 9);

receiving a subsequent bill from the carrier corresponding to the subscriber's actual telecommunication usage (col. 2, line 5 to 22);

comparing the bill to the baseline report (col. 7, line 66 to col. 8, line 21, Figure 7, col. 18, line 23 to 61); and

creating an actual report for the subscriber (page 2, line 5 to 22).

Regarding **claim 2**, Marsh et al. further discloses a method further comprising:

identifying exceptions in the bill as compared to the baseline report (Table 8, identifying the cost and efficiency of Mo 6 against the baseline report of Mo1 through Mo 5); and

requesting billing credit from the carrier in the amount of the identified exceptions (Table 8 shows carriers provide cost for different plans as oppose to different usage).

Regarding **claim 3**, Marsh et al. further discloses a method comprising: following-up with the carrier to insure that credit was posted to the subscriber account (Figure 2, element 120; Figure 5; col. 6, line 58 to col. 6, line 11).

Regarding **claim 4**, Marsh et al. further specifically discloses a method, wherein the method is performed on a periodic basis corresponding to the generation of bills by the carrier (col. 4, line 17 to 33) .

Regarding **claim 5**, Marsh et al. further discloses a method comprising: identifying a new telecommunication carrier plan (col. 2, line 5 to 22; col. 15, line 55 to col. 16, line 9); comparing the new carrier plan to the baseline report (col. 15, line 55 to col. 16, line 9);

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deciding whether the new carrier plan better conforms to the subscriber's usage requirements (col. 2, line 5 to 22).

Regarding **claim 7**, Marsh et al. further discloses a method, wherein the step of selecting a telecommunication carrier plan to correspond to the baseline report comprises selecting a plurality of telecommunication carrier plans to correspond to the baseline report (col. 15, line 55 to col. 16, line 9).

Regarding **claim 8**, Marsh et al. further discloses a method, wherein the plurality of plans is provided by a plurality of plan carrier (col. 15, line 55 to col. 16, line 9).

Regarding **claim 9**, Marsh et al. further discloses a method, wherein the analysis of a subscriber's telecommunication usage requirements includes indentifying and suggesting a plurality of carrier options and plans (col. 15, line 55, to col. 16, line 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (US Patent No. 6,574,465) and further in view of Cheslog (Us Patent No. 5,659,601).

Regarding **claim 6**, Marsh et al. fails to specifically further disclose a method, wherein the subscriber comprises a plurality of telecommunication users. In an analogous art, Cheslog discloses a method of selecting a cost effective plan. Cheslog further discloses a method, wherein the subscriber comprises a plurality of telecommunication users (col. 2, line 9 to 21). Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention was made to modify Marsh et al. method to apply to a plurality of telecommunication users in order to provide better plans and services and more saving to a plurality of users and eventually will encourage more users to feel better in joining in and buy those telecommunication services.

#### **Reference Cited**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Savolainen (US Patent No. 6,892,063) discloses a cost control in a telecommunication system.

Fleming, III (US Patent 6,631,185) discloses a method and apparatus for comparing communication service plans based on usage statistic.

Jagadish et al. (US Patent No. 6,125,173) discloses a customer profile based customized messaging.

Bradshaw et al. (US Patent No. 5,027,388) discloses a method of selecting the most cost effective cellular service plan provided by cellular telephone resellers to multi-line customers.

Alloune et al. (US Patent No. 6,615,034) disclose a communication billing system.

Remington et al. (US Patent No. 6,968,319) discloses an electronic bill presentment and payment system with bill dispute capabilities.

Ruckart et al. (US Patent No. 6,606,377) discloses a method and system for analyzing and preparing an optimum telephone services call plan.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

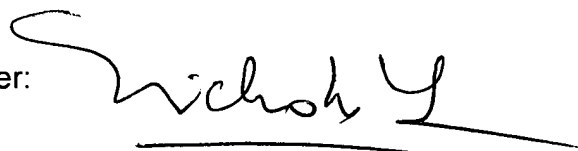
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner:



03/02/2006



NICK CORSARO  
PRIMARY EXAMINER